

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KENYATTA HARDIN,

Plaintiff,

v.

CITY OF MEMPHIS DIVISION OF FIRE
SERVICES,

Defendant.

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No. 2:19-cv-02556-SHL-atc

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING FOR FAILURE TO PROSECUTE**

Before the Court is Magistrate Judge Annie T. Christoff’s (“Magistrate Judge”) Report and Recommendation (“Report”), (ECF No. 44), filed June 22, 2022, recommending that the Court dismiss this action under Federal Rule of Civil Procedure 41(b) for Plaintiff’s failure to prosecute.

On August 20, 2019, Plaintiff Kenyatta Hardin filed this pro se action, alleging that Defendant discriminated against him based on his race and disability in violation of both Title VII and the Civil Rights Act of 1964. (ECF No. 1.) Since then, Plaintiff has repeatedly missed scheduling deadlines and failed to cooperate with Defendant throughout the discovery process. Specifically, Plaintiff failed to respond to Defendant’s Partial Motion to Dismiss, despite the Magistrate Judge granting him two opportunities to do so, and refused to produce his initial disclosures or coordinate with Defendant to schedule his deposition. (See ECF No. 44 at PageID 182-83.) Consequently, the Magistrate Judge found that dismissal of Plaintiff’s claims is the only appropriate sanction in this case as Plaintiff has shown a “clear record of delay” and

unpreparedness to prosecute this case. Shavers v. Bergh, 516 F. Appx. 568, 569 (6th Cir. 2013) (quoting Schafer v. City of Defiance Police Dep't, 529 F.3d 731, 736 (6th Cir. 2008)).

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal. 28 U.S.C. § 636(b)(1)(B). “Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1) (2017). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Here, Plaintiff has raised no objections to the Magistrate Judge’s proposed findings or legal conclusions, and the time to do so has now expired. Thus, the Court reviews the Report for clear error and finds none. The Court **ADOPTS** the Report and **DISMISSES** this action for Plaintiff’s failure to prosecute pursuant to Rule 41(b).

IT IS SO ORDERED, this 19th day of July, 2022.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE